Food-Primary Licence

TERMS and CONDITIONS

A GUIDE FOR
LIQUOR LICENSEES
IN BRITISH COLUMBIA

Updated
March 2003

BRITISH COLUMBIA

Ministry of Public Safety and Solicitor General
Liquor Control and Licensing Branch

This guide . . .

provides essential information for anyone holding a food-primary licence (a licence to serve liquor in a restaurant). This information does not apply to all licence classes.

Separate guides are available for those holding liquor-primary, licensee retail store, UBrew/UVin, manufacturers' and winery licences.

You can request copies of the other guides by contacting us or downloading them from the Liquor Control and Licensing Branch Web site:

Phone (toll free): 1 866 209 2111
E-mail: lclb.lclb@gems4.gov.bc.ca
Web site: www.pssg.gov.bc.ca/lclb

Food-Primary Licence
Terms and Conditions
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Introduction

This Guide

This guide outlines the requirements of the Liquor Control and Licensing Act and Regulations for serving and consuming liquor in food-primary establishments (restaurants). It also imposes further terms and conditions, in addition to those found in the Liquor Control and Licensing Act and Regulations.

Like the requirements contained in the Act and Regulations, these additional terms and conditions – and any further terms and conditions that might be printed on the face of your licence or contained in letters issued to you by the general manager of the Liquor Control and Licensing Branch – must be followed at all times.

Important!
Please take time to read this guide carefully and make sure your managers and staff are familiar with the information presented here, and with any additional terms and conditions printed on the face of your licence and/or in letters issued by the Liquor Control and Licensing Branch.

As a licensee, it is your responsibility to operate your business so that it complies with the law and with the terms and conditions of your licence.

"Section 12 of the Liquor Control and Licensing Act provides the general manager with the authority to impose, in the public interest, terms and conditions on licences.

Definitions Used in this Guide

"The Act" means the Liquor Control and Licensing Act, the provincial legislation that guides the licensing of establishments that manufacture or sell liquor in BC.

"The branch" means the Liquor Control and Licensing Branch, the government agency that administers the Act.

Please note:
Wherever definitions, words or expressions used in this guide differ from the wording of the Liquor Control and Licensing Act and Regulations, the legislation will prevail.

"Food-primary" refers to a licensed establishment where the service of food, as opposed to liquor, is the primary focus of the business.

"The general manager" means the general manager of the Liquor Control and Licensing Branch.

"Licensee" refers to any individual, individuals or corporate body that holds a British Columbia liquor licence. The term covers both the licensee of record and any person acting in the place of the licensee, such as a manager or person in charge of an establishment in the licensee's absence, and staff or entertainers working in the establishment.

"Liquor-primary" refers to a licensed establishment where the service of liquor, as opposed to food, is the primary focus of the business.

"Manufacturer" means a manufacturer of liquor products (i.e., beer, wine, spirits, cider and coolers) or the corporate official of a liquor manufacturer.

"Occupant load" means the number of persons, including staff, who may be in a licensed premises at one time. The number is calculated by local fire and building officials or other designated professionals, such as architects and engineers. The occupant load calculation must be the least number of people allowed under the relevant provincial regulations or municipal bylaws.

"Patron capacity" means the maximum number of persons, not counting staff, who may be in a licensed premises at one time.

"Patron-participation entertainment" refers to entertainment that patrons may participate in, such as karaoke or "dine and dance."

"Patron non-participation entertainment" refers to entertainment that patrons may watch, such as musicians or comedians.

"Person capacity" means the maximum number of persons, including staff, who may be in a licensed premises at one time.

"Red-lined area" refers to the area within a licensed establishment where you may sell, serve and consume liquor.

"Representative" or "agent" means any agent of a manufacturer, employee of a manufacturer or employee of an agency that sells domestic or imported liquor products.

"Restaurant lounge" refers to a specially licensed area within the restaurant where customers may order a drink without ordering a meal.

"Terms and conditions of licence" are requirements of licensees that are set by legislation, regulation or branch policy. All licence terms and conditions must be followed. Not following them may result in enforcement action.

Updates

Licence terms and conditions change from time to time. We will send out revisions to this guide periodically. In addition, an up-to-date copy is always available on the branch Web site:
www.pssg.gov.bc.ca/lclb

Help is Available

We know how difficult it can be to operate a licensed establishment, and understand the challenges you may face in consistently following BC's liquor laws. You should always feel free to discuss potential enforcement problems with a liquor inspector or another branch employee.

If you have any concerns or questions, please contact your local liquor inspector or write, telephone or email the Liquor Control and Licensing Branch at:

Mailing Address
PO Box 9292 Stn Prov Govt,
Victoria, BC V8W 9J8

Office Address
2nd Floor, 1019 Wharf St.,
Victoria, BC V8W 2Y9

E-mail
lclb.lclb@gems4.gov.bc.ca

Phone
250 387-1254 in Victoria

Toll Free
1-866-209-2111

Our Web site also contains a range of helpful information along with licensee guides, application forms and links to the Liquor Control and Licensing Act and Regulations.

Web Site
www.pssg.gov.bc.ca/lclb

Background: Who is Responsible for What

The Liquor Control and Licensing Branch

The Liquor Control and Licensing Branch is responsible for regulating and monitoring the sale of liquor in licensed establishments in British Columbia, and for protecting the public from the harm that may be caused by making and selling liquor or products that contain alcohol.

The branch issues and supervises liquor licences, and monitors the activities of all liquor licensees in British Columbia to make sure they are following the rules laid out in the Liquor Control and Licensing Act, its Regulations, and their licence terms and conditions.

To make sure the public has full access to information about liquor licensees in this province, we post summaries of all cases where the branch has recommended enforcement action on our branch web site. For those cases that go to an enforcement hearing, we post the complete text of the decision. (Names of individuals are removed to comply with the requirements of the Freedom of Information and Protection of Privacy Act.)

Your Role as a Licensee

As a licensee (someone who holds a liquor licence), you are legally responsible for understanding how the Act, its Regulations, and the specific terms and conditions of your licence affect the operation of your establishment, and for complying with the Act, its Regulations, and the terms and conditions of your licence.

You are also responsible for making sure your employees follow B.C.'s liquor laws and the terms and conditions of your licence, even when you are not on site. In addition, you must let the branch know about any changes you make to your business or to the buildings you operate, and cooperate with liquor inspectors and police officers when they visit your establishment.

If you do not carry out your legal responsibilities, you could face serious penalties, including the suspension or loss of your licence.

The Role of the Liquor Inspector

Liquor Control and Licensing Branch liquor inspectors are located in regional offices across the province. They will regularly visit your licensed establishment – often arriving unannounced – to:

- explain the terms and conditions of your licence
- inspect the physical layout of your establishment
- inspect your legal, financial and business records
- observe and record your business practices, identifying gaps or weaknesses that are likely to lead to non-compliance (to you not following the Act, its Regulations and the terms and conditions of your licence), and
- identify any contraventions of the Act, Regulations or the terms and conditions of the licence occurring in your establishment.

If a liquor inspector finds you are contravening (not following) the Act, its Regulations or the terms and conditions of your licence, the inspector will issue a Contravention Notice and may recommend that the general manager take enforcement action against you.

Please note:
Liquor inspectors are a good resource. They can provide you with both help and advice, and we recommend you get to know your local liquor inspector as soon as possible

The Role of Police

Police officers also make regular, unannounced visits to licensed establishments. The police consider these visits to be an important part of their routine patrols in the community.

When the police walk through your establishment, they will look for evidence of any liquor contraventions, especially those that could result in disturbances within the community or that could threaten public safety, such as drunkenness, overcrowding or minors in possession of alcohol. If the police notice a contravention, they will record it on a form called a Licensed Premises Check (LPC), leave one copy with you and send one to the Liquor Control and Licensing Branch.

The branch follows up on all LPCs, and may ask a liquor inspector to conduct a further inspection. If the inspector confirms the contravention, he or she will issue a Contravention Notice and may recommend enforcement action.

The Role of Local Government and First Nations

A liquor licence is only one requirement in opening a licensed establishment in British Columbia. Liquor licensees must also deal with local governments on such issues as zoning, building bylaws, business licensing requirements and health and fire Regulations.

Local governments are responsible for protecting the peace and good order of their communities and are often the first to learn about problems relating to licensed establishments. The general manager takes complaints from local governments that licensed establishments are operating contrary to the public interest and are disturbing people in the surrounding area very seriously.

The Nature of Your Business

Differences Between a Food-Primary and a Liquor-Primary Licence

The Liquor Control and Licensing Branch issues food-primary licences to businesses (restaurants) where the primary purpose, through all hours of operation, is the service of food. The branch issues liquor-primary licences to businesses, such as bars, lounges, and night clubs, where the primary purpose is the service of liquor, as opposed to food.

The rules for each type of licence reflect the primary purpose of the establishment. For example, food-primary establishments must offer both appetizers and main courses, while bars are required to offer hot or cold snacks and non-alcoholic beverages. They also reflect the fact that minors are allowed in restaurants but not in bars, which means that certain activities allowed in bars – such as adult entertainment – are prohibited in food-primary establishments.

The approval process is also different for each type of licence. For example, in approving a liquor-primary licence, the branch must consider the views of local residents and whether or not local government supports the application. With a food-primary licence, however, local government support is needed only if the restaurant wants to serve liquor after midnight or to offer certain types of entertainment, such as karaoke. **Applying for a food-primary licence and then operating your business as a bar circumvents this approval process and is a serious contravention.**

Making Sure You Operate Your Establishment as a Restaurant

As a food-primary licensee, you are responsible for operating your establishment as a restaurant. That means you must meet the following requirements at all times:

- **Kitchen equipment:** The kitchen must be fully equipped (with commercial stoves and dishwashers, for example), and must be open and staffed whenever liquor is served.
- **Menu:** The menu must include a reasonable variety of appetizers and main courses, and must be available at all times that liquor is being served. Serving salsa, chips, peanuts and other types of "finger food" is not enough to meet this requirement.
- **Furnishings and lighting:** The décor must be suitable for dining and table service. There must be enough tables and chairs, and/or counters and stools to seat everyone. The tables must be big enough to hold the plates, cutlery and glassware associated with a full meal. You must have enough dishes and flatware (and other table accessories) for eating.
- **Entertainment and games:** The type and hours of entertainment and games offered must not distract from the primary purpose of the service of food. For example, adult entertainment and games that cannot be played while you are seated and require diners to get up from the dining area, such as billiards and foosball, are not permitted in a licensed area. (You may, however, apply to provide games or adult entertainment in an unlicensed area; please see below. Please also see the section on Entertainment for more information about what is permitted in licensed areas.)

  Important!
  In determining whether an establishment is operating as a restaurant or a bar, the general manager does not have to establish that a licensee has failed to meet *all* of the requirements for operating as a restaurant. Failing to meet any operating requirement is sufficient for the general manager to conclude that a licensee is operating his or her restaurant as a bar. The general manager may also take into account any other relevant considerations in determining whether an establishment is operating as a restaurant or a bar.
- **Name:** The name of your restaurant must accurately reflect the service you provide.
  - If you do not have a restaurant lounge endorsement (see below), you may call your business a "pub-style restaurant," but

may use the word "bar" only if it is associated with a type of food – "pasta bar" or "oyster bar" for example (but you may not highlight the words, as in "O'Malley's PUB-style Restaurant" or "Nico's Oyster BAR"). "Taverna" is also acceptable, because it means "eating house" in the original Greek, and you may call your establishment a "dining lounge" if yours is a formal restaurant, offering full-course meals.

– If you do have a restaurant lounge endorsement, you may use the words lounge, bar, cocktail-lounge or cocktail bar in your name, provided you also include a reference to food – for example, "Bar and Grill" is acceptable, but just "Nico's Bar" is not. (Please see the section on Advertising for more information.)

- **Operating hours:** You must operate as a restaurant at all times. Restaurants cannot shift their operation to become a bar during certain hours of the day, such as between 4 p.m. and 6 p.m., or in the late evening hours.
- **Financial records:** You must make all financial records available and provide receipts for the liquor inspector to review upon request. (Please see the section on Inspections for a complete list of the records you are required to keep.)
- **Food-to-liquor ratio:** The ratio of receipts from food sales to receipts from liquor sales in the restaurant must support the fact that your primary focus is food. As a general rule, liquor sales should not exceed food sales in the dining area.

Serving liquor without food:

As long as you are running your business properly as a restaurant, you may *occasionally* serve liquor to a customer, without food, at any table within the dining area.

Remember, though, your liquor inspector will look closely at exactly how many people are being served liquor without food, and how often.

Physical Layout of Your Restaurant

If you hold both a food-primary and a liquor-primary licence

You may hold licences for both a food-primary and a liquor-primary establishment at the same time but, if the two establishments are located next to each other, you must ensure that there is a physical separation between the two.

This separation must be sufficient:

- for a building official to determine a separate occupant load for each of the licensed establishments
- to prevent the food-primary establishment from becoming an extension of the liquor-primary establishment, and
- to control access to the liquor-primary establishment.

In addition:

- the physical separation must be permanent to ensure the size of the liquor-primary establishment does not change
- if your liquor-primary establishment offers adult entertainment, the divider between the two establishments must prevent diners from being able to see into the bar
- restaurant patrons must be able to access the washrooms without having to walk through the bar, and
- while patrons may enter the bar through the restaurant, you must make sure they do not enter the restaurant through the bar.

If you hold a restaurant lounge endorsement

A restaurant lounge is a separate area within a restaurant where patrons may order a drink without the intent of ordering a meal. Restaurants with a person capacity of 50 or more may apply to the branch for a lounge endorsement.

If you have been approved for a restaurant lounge:

- Your total lounge area may accommodate 40 persons or 20 per cent of the person capacity of the restaurant (whichever is less).
- You may have two lounges – one indoor and one outdoor – provided the total number of people in both areas does not exceed the number allowed for your restaurant as a whole.
- Both lounges may open at the same time, provided the total number of people in both areas does not exceed the number allowed for your restaurant as a whole.
- The face of your licence states how many seats you are allowed to have in your lounge (or lounges, if you have two). For example, if your licence states you can have 40 seats, and you have only one lounge, that means you cannot have more than 40 people in your lounge at all times. If your licence states you can have 40 seats, and you have two lounges,

that means you can have 40 seats in the indoor lounge and 40 seats in the outdoor lounge (or 20 and 20, or 30 and 40, or any other combination), but the total number of people in both of your lounges must not exceed 40 at all times.
- The floor area set aside for your interior lounge should not exceed 20 per cent of the interior licensed area of the restaurant.
- Any individual sitting in a lounge seat counts toward the licensed limit of your lounge area, regardless of whether he or she orders a drink. This applies equally to minors, who are allowed in the lounge area if accompanied by an adult, but may not consume liquor.
- The interior lounge may be located anywhere in the licensed floor area, but must be visibly distinct from the main dining area. This can be done with a physical separation like a wall, or different floor surfaces and style of furniture. (A separating wall is not required as long as the area is visibly distinct.)
- The rules for entertainment in a lounge area are the same as in the main dining area (please see the section on Entertainment for more information).
- Hours of liquor service in the lounge area(s) may not go beyond the hours of liquor service in the main dining area.
- You may advertise that your establishment has a lounge, bar, cocktail lounge or cocktail bar.
- Your kitchen must be open and the full menu available whenever the lounge is open.
- There must be a sign either at the entry to, or within the lounge(s), explaining that it is a lounge and that adults must accompany minors. The sign must be visible to all lounge patrons.
- As in the rest of the restaurant, minors may serve drinks in the lounge if they are under adult supervision, but may not open bottles, pour or mix drinks.

If you offer games or adult entertainment

Adult entertainment and games that require customers to stand or move around, such as darts, billiards or foosball, are not allowed in the licensed area of a restaurant. Food-primary licensees may, however, apply to have an unlicensed area where adult entertainment or games are allowed, provided building officials are able to calculate a separate occupant load for the licensed area indicated on the restaurant's floor plans.

If you have been approved for an unlicensed area:
- there must be sufficient separation between the licensed and unlicensed areas to ensure patrons do not take liquor into the unlicensed area, and
- the physical separation must be fixed and immovable to ensure the size of the licensed area is maintained, and
- you must be able to control access to the licensed area.

Also, if you offer adult entertainment in an unlicensed area, you must make sure customers in the main dining area cannot see into the unlicensed area.

Managing Your Business

Posting Your Licence

You must post your liquor licence certificate in a prominent location in the licensed area to ensure it is immediately available for review by liquor inspectors and police.

Storing Your Floor Plans

When you first applied for a food-primary licence, you submitted the floor plans for your restaurant for approval. Once they were approved by the general manager, these floor plans became part of your liquor licence. As with the licence certificate, liquor inspectors and the police must have quick and easy access to the information contained in your floor plans.

Your floor plans must be stored in the licensed area of the establishment, and must be immediately available for presentation to a liquor inspector or a police officer on request.

Renewing Your Licence

You must renew your licence each year and pay an annual licence fee. We calculate your fees based on the amount of liquor your business purchased from the Liquor Distribution Branch in the previous year – see the chart below:

Annual Liquor Purchases from the Liquor Distribution Branch	FEE
$12,500 or less	$ 275
over $12,500 and up to $20,000	$ 550
over $20,000 and up to $45,000	$ 825
over $45,000 and up to $100,000	$1,100
over $100,000 and up to $250,000	$1,300
over $250,000	$1,500

Providing Information to the Branch

You must be forthright in providing information to the branch. Making a misleading statement or failing to disclose a material fact (such as the fact that a third party is using your licence, or that the lease on your property is about to run out) are licensing contraventions.

Making Changes to Your Liquor Licence

The details of your liquor licence application – who you are, the location, size and layout of your establishment, etc. – are critical factors in the decision to grant a licence.

Any changes you intend to make to these factors after your licence is granted require the approval of the branch before you make the changes. (Please see Appendix 3 for detailed information about making changes to your licence.)

Selling Your Business and Transferring Your Licence to a New Owner

To transfer your liquor licence to a new owner, you will need to complete the Assignment of Establishment form. This is where you officially sign over the liquor licence to the new owner. If applicable, you must also give the new owner all records of liquor bought from the Liquor Distribution Branch in stock at the time of the sale.

The general manager may not approve a licence transfer if the branch is in the process of taking action against you as the current licensee.

Buying, Storing, Selling and Serving Liquor

Buying liquor

You must purchase your liquor from a Liquor Distribution Branch liquor store, or other outlet designated (in writing) by the general manager or the Liquor Distribution Branch.

Whenever you buy liquor, you must first identify yourself as a licensee. The liquor store will then record your purchase against your licence number. It is a serious contravention to buy liquor from another source, or to purchase liquor that is not recorded against your licence number.

Maintaining a liquor register

You must keep a detailed, written record of every liquor purchase made under your licence – by date – in a liquor register. This is usually a book or binder where you keep your copies of the documentation you receive every time you buy liquor.

Your liquor register must be available for inspection by a liquor inspector or police at any time. The inspector or police officer may look at your register and compare it to your liquor stock to make sure you have purchased your liquor in the proper way. It is not sufficient to simply store receipts of your liquor purchases and call these your record or your register.

Illicit or private liquor

You may not buy, keep, sell or give illicit liquor to anyone. Illicit liquor is defined as:

- liquor purchased "over the counter" from a source other than your designated liquor outlet
- stolen liquor
- smuggled liquor
- liquor intended for export
- home manufactured or UBrew/UVin liquor
- liquor purchased as a medicinal, confectionery or culinary product that is being used as beverage alcohol
- liquor that has been adulterated or watered-down, and
- samples that may have been left by a liquor representative.

You are accountable for any illicit alcohol found anywhere on your premises (service or storage area). It is not acceptable to say that illicit liquor made its way into your stock by accident, that it was a gift for personal use, or that an employee left it there.

If you recently purchased your establishment and acquired your licence through a transfer, you must conduct a thorough audit of all liquor on the premises to ensure none is illicit.

Because the risk of internal theft is high in licenced establishments, you must put safeguards in place to make sure staff or others do not water down or otherwise adulterate your liquor supply. The extent of the safeguards required will vary depending on the circumstances.

Culinary product containing alcohol that you keep for cooking must stay in the kitchen and separate from liquor kept for sale.

You also may not keep or serve liquor bought for private consumption in your establishment.

Faulty beer or cider kegs

Faulty or damaged kegs of beer or cider or kegs containing spoiled product may not be removed or replaced unless authorized by a liquor inspector.

When you discover a faulty keg or one containing spoiled product, you must record it in your liquor register and contact the branch to get an authorization number to have the keg either:

- held for inspection
- removed and held for inspection, or
- removed and replaced without inspection.

Hours of sale

You may sell liquor only during the hours indicated on the face of your licence. All liquor (in bottles or glasses) must be removed from the tables within half an hour of liquor service ending (i.e., the time specified on your licence).

You may not serve liquor after midnight, unless you apply for, and the general manager approves, late night hours. The only exception is New Year's Eve, when you may serve liquor until

4:00 am on January 1 regardless of your normal closing hour (and provided food is available to customers), unless the general manager has directed otherwise or local bylaws prohibit it.

Dispensing liquor and mixing drinks

You must always dispense liquor from the original containers, unless you have applied to the general manager for an exception. You may not refill containers or add liquor to a bottle or container purchased from the Liquor Distribution Branch.

You must dispense and mix liquor at a service bar, in full view of customers, and you may not pre-mix drinks: all drinks must be mixed at the request of a customer.

Price lists

You must have a list available showing the types of liquor available, the size of each drink you sell and its price. Your price list should also include any drink specials you are currently offering.

You may post the price list as a printed list or on a board, or it can be available at all tables. At a minimum, it must be available to customers on request.

Your price lists:

- Must indicate whether the price includes taxes, and what the applicable taxes are.
- Must indicate the size of each drink (you may use common names, such as "a sleeve of beer," which is 14 oz).
- Do not have to include a complete list of all available mixed drinks, provided you clearly list the price and amount of liquor (e.g., "mixed drinks contain 1 oz of liquor, and cost 'x' for bar brands, and 'y' for premium").

Where customers may consume liquor

Customers may not bring their own bottles of liquor to consume in your establishment, and you may only sell and serve liquor in the licensed area of your establishment (commonly referred to as the "red-lined area" of your floor plans).

Patrons may stand or walk around within the red-lined area with their drinks, but you may not permit customers to consume liquor outside of the red-lined area, or to take liquor from the red-lined area to other parts of your establishment, except:

- Patrons may take liquor into the washroom as long as they are not walking through an unlicensed area (such as a hotel lobby), and you are properly supervising the washrooms.

- Customers may take away unfinished bottles of wine. Your staff must put a new cork in the bottle and tell customers who are driving that they must store the wine behind the rear seat, in the trunk, or in an exterior compartment – it must be out of reach of people in the car.

Providing Safe and Responsible Service

Serving It Right: The Responsible Beverage Service Program

Serving It Right: The Responsible Beverage Service Program is a self-study course that educates licensees, managers and servers about their legal responsibilities when serving liquor, and provides effective techniques to prevent problems related to over-service.

Serving It Right:
The course package is available on the Internet at: www.hieac.com

More information is available from the Hospitality Industry Education Advisory Committee at:
Phone: 1-800-665-8883

Serving It Right consists of two separate self-study programs: one for licensees and one for servers.

The licensee program must be completed by:

- all licensees and managers
- all directors, officers, and employees responsible for controlling the sale of liquor, if the licence is issued to a corporation, and
- any servers who may be left in charge of the licensed establishment from time to time.

There must be at least one person on duty in your establishment – during all service hours – who has completed the licensee Serving It Right program.

If you have a restaurant lounge, the server program must be completed by all servers.

New licensees have 120 days from the date the licence is issued to successfully complete the Serving It Right program. New managers and servers have 120 days from the date of employment to fulfill the Serving It Right requirement.

You are responsible for making sure your employees take Serving It Right. You must keep photocopies of their Serving It Right certificates, together with the date they began working in your establishment, ready for inspection by a liquor inspector or police officer at all times.

Controlling Your Establishment

Your responsibilities

You and your employees are responsible for managing and controlling the behaviour of patrons. You must ensure that other patrons, your staff and members of the community are not harmed as a result of liquor misuse or criminal activity in your restaurant, and you are required to take steps to ensure your business does not disturb the surrounding community.

If your staff, patrons or members of the community have reason to be concerned that there is a threat to their safety, you must act on these concerns. If criminal or riotous conduct has occurred, or you suspect it may, then you must notify police immediately.

An individual who has been asked to leave, or

Steps you can take to ensure responsible service:

- Hold regular staff meetings to discuss liquor issues.
- Let your staff know that you will support them when they cut a patron off or refuse service.
- Be familiar with "drive home" programs offered in your community.
- Have door staff to monitor the entry and exit of guests and control the numbers in your establishment (you might want to supply them with mechanical counters that will allow them to track the number of patrons entering and leaving).
- Give "last call" toward the end of the night and do not allow patrons to buy excessive amounts of liquor at that time.

who has been barred from entering your restaurant, must not return for at least 24 hours. If a person does this, he or she is committing an offence and may be arrested.

Section 22 of the Act allows the general manager to suspend a liquor licence for 24 hours and order the immediate removal of patrons where there is an imminent threat to people's safety. In this situation, you are required to take all reasonable steps to ensure that customers vacate the premises immediately.

Preventing disturbances

You must take reasonable measures to make sure your business is not operating contrary to the public interest and does not disturb people near your establishment.

Important!
If a liquor inspector believes you are not taking reasonable measures to prevent disturbances - or if we receive a number of complaints from the public about disturbances that can be linked back to your establishment - you will be required to attend a compliance meeting. (Please see the section on Enforcement for more about compliance meetings.)

Examples of reasonable measures include installing adequate lighting outside your establishment and in the parking lot, supervising your parking areas, adding sound proofing, making structural changes to allow indoor line-up areas, and posting signs at the exit doors asking your patrons not to disturb your neighbours. (Please see Appendix 2 for further examples of reasonable measures.)

Minors

Minors (in BC, that is anyone under 19 years of age) are allowed in food-primary establishments on their own, and in a restaurant lounge if accompanied by an adult. However, it is against the law for you or your employees to sell, serve, or supply liquor to a minor.

Minors employed in food-primary establishments may serve liquor but may not open bottles, pour or mix liquor. Minors serving liquor must be under the supervision of adult staff.

ID requirements

You and your employees must ask anyone ordering a drink who appears to be under the age of 25 years for **two** pieces of identification.

The first piece of identification must:

- be issued by a government agency (e.g. a passport or driver's licence), and
- include the person's name, signature, birth date and picture.

The second piece must:

- include an imprint of the holder's name (e.g. a credit card, Care card or social insurance card), and
- include the person's signature and/or picture.

If the person cannot produce two pieces of acceptable identification that proves they are 19 or older, you must refuse service.

To verify identification, ask the person for:

- A sample signature to compare to the signature on the photo identification.
- His or her zodiac sign – people with false identification often will be unable to answer quickly.
- His or her middle name and how to spell it.
- Information that is on the identification, such as the person's address or postal code.

You must cooperate with a liquor inspector if the inspector asks you or your staff to determine whether a person is a minor.

You are encouraged (but not required) to retain identification that is clearly false and to turn it over to your liquor inspector. Where possible, the inspector will return the identification to the agency that issued it. (If the patron insists you return the ID, you should do so, but we encourage you take a photocopy of it first to give to your liquor inspector.)

Overcrowding

Your liquor licence tells you the maximum number of patrons or the maximum number of persons (patrons and staff) that you may allow in your premises at one time (see the definitions of "patron capacity" and "person capacity" at the beginning of this guide).

It is important for you to know the type of capacity for which your establishment is licensed, and to make sure you stay within this limit.

Local building/fire authorities also establish a maximum capacity or occupant load that may differ from your liquor licence maximum capacity. (In most cases, the occupant load maximum capacity will be greater than the liquor licence maximum capacity.) You may apply to the branch to increase your liquor licence maximum capacity so that it matches the occupant load maximum capacity set by building and/or fire authorities. If fire and building officials have each calculated an occupant load for your establishment, or if an engineer or architect has, and the numbers are not the same, the lower number is the one you must use.

Please note:
If an inspector visits your restaurant and is uncertain as to whether it is overcrowded, the inspector will count, as accurately as possible, the number of patrons/persons in your establishment.

If the count indicates that your establishment is overcrowded, the inspector will, if possible, do a second count. If you receive a Contravention Notice (please see the section on Inspections for more on this), it will include both the first and second count.

Drink sizes

You must encourage moderate consumption at all times and follow strict limits on the maximum size of servings.

- **Distilled liquor:** Each drink containing distilled liquor (spirits) shall not contain more than three fluid ounces of distilled liquor, or the metric equivalent (85 ml). This applies regardless of whether the drink is served in one, or more than one, glass or container (for example, a single patron may not be served four one-ounce shooters or two two-ounce "doubles" at one time). Drinks that two or more patrons intend to share may be served in larger containers, but the maximum of three fluid ounces per person must be maintained. You may not serve whole bottles of distilled liquor.

Maximum drink sizes per person:

Distilled liquor(spirits)	3 ounces
Draught beer	0.5 litre
Bottled beer	2 standard-size bottles or 1 large-size bottle
Wine	0.25 litre (or more with a meal)

- **Draught beer:** You may serve draught beer in single servings of no more than .5 litre or smaller servings of multiple brands, provided the total served at one time is no more than .5 litre. Pitchers or other multiple serving containers shared by two or more patrons may contain no more than 1.5 litres of draught beer.
- **Bottled beer:** You may serve a maximum of two standard-sized or one large-sized (.5 litre or more) bottle of beer to a single patron at one time.
- **Wine:** You may serve wine in single servings of .25 litre (or more if the person is having a meal), or in smaller servings of multiple brands. You may serve wine by the bottle, in non-refillable containers of .75 litre to 1.5 litres, or in 1.5 litres refillable containers, provided you apply for and receive approval for the container from the Public Health Protection Branch of the Ministry of Health (the container must be one that prevents product contamination).

Drink prices

To help encourage moderate consumption:

- You must charge at least as much as the original Liquor Distribution Branch purchase price.
- You must set your liquor prices at the start of the business day, and you cannot change them until the next business day.
- Happy Hours are not permitted. If you are going to offer a special or reduced price, it must be available all day and may not be offered on a brand or type of liquor for which you know you don't have enough stock.
- You may occasionally treat your customers to a free drink; however, you cannot give away multiple drinks that could lead to over-consumption.
- You may offer an all-inclusive package that includes liquor in the price (for example, "champagne brunch," Mother's Day special, New Year's Eve special). The amount of liquor to be provided must be specified and not unlimited.
- You must not provide unlimited or unspecified quantities of liquor for a single price or use a sales strategy that is likely to promote or encourage over-consumption. For example, you may not:
  - sell drinks "two for one"

- allow staff to circulate with trays of pre-mixed drinks, such as shooters that are not pre-ordered, and
- serve any drinks greater than the maximum drink sizes – by the "tray load", for example.

The general manager has also expressly prohibited the practice of pouring drinks into the mouths of customers laying or leaning over a bar. Establishments that permit such activities to occur can expect enforcement action.

Physical signs of intoxication:

- red or bloodshot eyes
- disheveled appearance
- odour of liquor
- unsteadiness on feet
- staggering
- exaggerated care in walking
- slurred speech
- fumbling with small objects such as money

Mental signs of intoxication:

- lack of alertness
- exaggerated emotions
- aggression
- irrationality

Over-service and intoxicated patrons

It is your responsibility to make sure patrons do not become intoxicated while in your establishment.

You must not let a person who is apparently under the influence of alcohol or drugs enter or remain in your establishment. You must refuse the person service, have the person removed and see that he or she departs safely.

You also must write down all incidents of intoxicated patrons and the action you took in an incident log, and have the information available for the liquor inspector or police officers.

Criminal or riotous conduct

You must not allow violent, quarrelsome, riotous or disorderly conduct or unlawful activities to take place in your establishment. This includes behaviour that might cause a reasonable person to believe his or her safety is threatened.

If you know or suspect that this kind of behaviour has taken place, is currently taking place or may take place, then you must notify the police immediately.

Weapons

A weapon is defined as anything used or intended for use:

- in causing death or injury to persons whether designed for that purpose or not, or
- in threatening or intimidating any person.

You are responsible for making sure a person with a weapon does not enter or remain in your establishment.

If you know or suspect that one of your customers has a weapon, you should notify the police immediately.

Gambling

Gambling is defined as playing or gaming, for money or other stakes, on an uncertain event; it involves chance and the hope of gaining something more than the amount paid to participate.

You may not allow gambling in your establishment. You may not authorize gambling (such as by receiving a portion of the bets, collecting a fee from participants or providing tables or a room for games to take place). You are also responsible for exercising care and vigilance so gambling does not take place without your knowledge.

Wheels of Fortune and other games of chance are not permitted. Sports pools are prohibited under the Criminal Code of Canada.

Employee conduct

Liquor consumption

You and your employees may not consume liquor in your establishment during working hours. This includes breaks, meal periods and between shifts on the same day. After work, you and your employees may consume liquor, provided:

- You do not offer liquor to employees at a reduced price, or in lieu of wages or as a bonus.
- Your employees are of legal drinking age.
- You are serving and consuming the liquor during the hours of sale indicated on the face of your licence.

Entertainers may not consume liquor during a performance or while on stage in view of patrons, and you – as the licensee – must not be treated differently than a regular patron.

Staff parties

You may hold a staff party in your licensed establishment, provided you are able to comply with the Regulations and the terms and conditions of your licence for the duration of the party. Staff, for example, may not consume liquor while on duty. If you cannot meet these conditions, you must apply for a Special Occasion Licence and a temporary suspension of your food-primary licence.

Dress

Servers must wear clothes and must not combine the act of serving with stripping or exotic dancing. Servers must not wear brand-identified clothing where the size of the advertising is so prominent that it would result in your establishment promoting a specific brand of liquor.

Designated smoking rooms

All rules regarding liquor service apply in designated smoking rooms.

All activities in the smoking room must be law abiding, and you must maintain the same control of activities in smoking rooms as you maintain throughout other parts of your restaurant.

Steps you can take to maintain control of activities in smoking rooms:

- Maintain a line of sight from the bar to all areas of the smoking room
- Ensure all areas of the smoking room are visible from the exterior and not restricted by planters, etc.
- Ensure the room is adequately lit.

Advertising Your Restaurant

What You May Advertise

You may advertise:

- the name and location of your restaurant
- your liquor licence category
- your hours of sale
- the entertainment or food that you feature.

You may also use the words "licensed premises" in your advertising, and the words "lounge," "bar," "cocktail lounge," or "cocktail bar" if you have a restaurant lounge.

However, your ads cannot:

- encourage liquor consumption or irresponsible drinking
- mention or imply the availability of liquor
- specifically name a kind or brand of liquor, a liquor manufacturer, or a liquor price
- use pictures of minors, or personalities, images or activities that may appeal to minors
- show people drinking or anyone who is either intoxicated or behaving irresponsibly or illegally, or
- show people with liquor, but without food (they must always have food in front of them).

In addition, you and your staff may not wear brand-identified clothing where the advertising is so predominant that it promotes a particular brand of liquor.

Where You May Advertise

You may advertise your restaurant or restaurant lounge in newspapers, magazines and periodicals, or on television, radio or the Internet. You can put up signs, and print pamphlets or brochures, including graphics and pictures of your establishment and licensed areas (including the lounge).

Signs

Any signs, including signs bearing the name of your establishment, are considered to be advertisements and must comply with the advertising terms and conditions outlined in this guide.

Your signs may display:

- The name of your establishment.
- Your liquor licence category.

Your outside signs may include the outline of a liquor glass but may not use words such as "fine wine," "beer," or "spirits," or any other words suggesting that liquor is available.

Entertainment

What You May Offer

Any entertainment you offer must conform to local bylaws and be suitable for viewing by minors. It must also conform to any restrictions imposed by the general manager on hours or type of entertainment allowed (these restrictions, if any, will appear on the face of your licence).

Television, recorded music, and live radio/television broadcasts are permitted in food-primary establishments, as are computers that offer Internet access, card games, board games and games such as cribbage, provided they do not alter the primary focus on the service of food and if they can be played while customers are seated.

You may show movies, provided the primary focus of your establishment does not shift from the service of food and the movies are shown in accordance with the Motion Picture Act and its Regulations. You may not show movies that are unrated, restricted or adult rated.

You must apply to the general manager to offer any other types of entertainment. This includes patron-participation entertainment (such as dine and dance), which is usually permitted until midnight, and patron non-participation entertainment (such as musicians or comedians), which is usually permitted until 1:00 a.m. Your local government must support your application for patron-participation entertainment.

What You May Not Offer

Games that require the patron to get up from the food service area – such as darts, shuffleboard, foosball, billiards, pool, video arcade style games, basketball, ice or roller hockey, curling, and bowling – and which are likely to shift the primary focus of the establishment away from the service of food are not permitted in the licensed portion of the restaurant (you may, however, offer these games in an unlicensed area). Games of chance, including card games, are permitted for amusement only – payoffs or prizes of any kind are also not permitted.

Also not permitted are:

- lottery ticket sales
- tournaments, contests and draws
- liquor manufacturer/agent theme nights
- live, on premises prize fighting, kickboxing and all other similar contact sports
- exotic dancers and strippers.

Relations with Liquor Manufacturers, Agents and Sales Representatives

Tied Houses

A licensed establishment may not operate as a "tied house." A tied house is an establishment that has an association – financial or otherwise – with a liquor manufacturer or its agent, that is likely to lead to its products being favoured. That means you must not agree to sell only one manufacturer's products in your establishment, or to promote a particular product because of your association with a particular liquor manufacturer or agent. (You are similarly prohibited from having an association, financial or otherwise, with a UBrew/UVin.)

Inducements

The Act prohibits you from asking for or receiving benefits for selling a particular liquor product. You may not, for example, demand that a manufacturer or its representatives (i.e., licensed agents and sales representatives) supply additional product at either no cost or at a reduced cost, in return for purchasing their product.

You may accept information and ideas to help you improve your business, but this information must come directly from the manufacturer or representative, and not through an outside consultant. You may not accept advice about borrowing money or locating financing.

You are also prohibited from accepting any items, products or services from a manufacturer or representative, such as money, fixtures, furnishings, products, repair costs, draught lines or rental of unoccupied rooms. You may, however, accept promotional items of nominal value such as coasters, tent cards, signs and posters.

Sponsorships

Manufacturers may not sponsor events or activities at your restaurant.

Product Samples

As a way of introducing their products, agents or sales representatives may give you product samples, but the amount you receive must not be more than one standard-size bottle per product in any one year.

Size limits for product samples:

- Distilled spirits: The standard size per product (750 ml) listed by the Liquor Distribution Branch.
- Wine: The standard size per product (generally 750ml) listed by the Liquor Distribution Branch.
- Beer, cider, coolers: One dozen 341 ml bottles or one dozen 355 ml cans.

You must keep a record of all samples received, including the date, name of the agent or sales representative, name of the product and volume of the product. You or your staff only, in a private place outside the licensed area, may consume this product. It is not intended for your patrons and must not be served to them.

Visits by Agents and Sales Representatives

Conduct

There are strict limits on how agents and sales representatives may act when they visit your establishment.

Mass treating or "buying drinks for the house" is not permitted, and agents and representatives may not leave money for this purpose. They may however, join customers at a table and buy a

drink for everyone at that table. These drinks must be purchased from your establishment.

Manufacturer drink purchases

When an agent or representative visits your establishment and wants to purchase drinks for your patrons, you must ensure that:

- The liquor serving provided to each customer at one time is not greater than the normal serving for your establishment.
- Each order is paid for at the time it is served (the order may be put on a "tab" provided the account is settled before the agent leaves the establishment), and that drink prices are the same as you would charge regular patrons.
- The agent or sales representative does not treat more than one table at a time, except where it involves a bona fide sporting team.
- You issue a countersigned receipt for the dollar value of purchased product to the agent or sales representative (both parties should retain a copy).
- The agent or sales representative does not bring liquor products into your licensed establishment for the purpose of sampling.

Consumer Tastings

Consumer tastings in licensed restaurants are an opportunity for a liquor manufacturer to promote particular products.

If you and a liquor manufacturer agree to put on a consumer tasting, you must ensure the event does not shift the focus away from food, and you should serve a meal to all those attending the event. In addition:

- The liquor manufacturer must notify the Liquor Control and Licensing Branch, in writing, before the event takes place (you should double-check this).
- Neither you nor the liquor manufacturer (or an agent or sales representative) may advertise the event outside the restaurant.

Maximum quantities per patron at a consumer tasting:

	SINGLE PRODUCT	MULTIPLE PRODUCT
Wines	30 ml	45 ml
Beer/cider/ coolers	30 ml	45 ml
Spirits	10 ml	20 ml

The quantities for multiple product tasting apply only where more than one product is being presented at any one time by a single manufacturer/agent. The quantity for multiple products is a total of all products offered. For example, where three varieties of wine are presented, you may offer a maximum quantity of 15 ml. of each wine to taste.

- You may not charge the liquor manufacturer, agent or sales representative a fee for conducting the consumer tasting, and all liquor product used in the tasting must be purchased from you.
- The price paid by the manufacturer, agent or sales representative must be no less than the price you normally pay for the product and no more than the price you normally charge your customers.
- You must issue a countersigned receipt for the dollar value of sampled product to the manufacturer, agent or sales representative. Both of you should retain a copy for audit purposes.
- All point-of-purchase show material used to support the consumer tasting must be provided by the manufacturer, agent or sales representative.
- While the manufacturer, agent or sales representative must be present during the entire period of the consumer tasting, you or your staff must dispense all product.
- The manufacturer, agent, or sales representative must not leave open containers of liquor unattended at any time.
- Neither you nor the manufacturer, agent or sales representative may serve drinks by the tray load.

Manufacturer Promotional Material

It is common for manufacturers or their representatives to offer promotional material to licensed establishments.

You may not place bottles of liquor on tables as a promotional or point of sale device. You may, however, display small signs, tent cards, posters, coasters or other brand or corporately identified items within your establishment, provided:

- Your menu already lists the brand of liquor identified in the promotional materials.
- It does not appear that you are promoting a particular liquor product or the products of a particular manufacturer (brand-identified or corporately identified items of a particular liquor manufacturer must not predominate)

In addition:

- You may use brand-identified glassware, provided you purchase it at fair market value and you retain proof of purchase for two years for audit purposes.

- You may use more expensive brand or corporately identified items, such as table umbrellas, mirrors or ceramic draught beer towers, provided the liquor supplier retains ownership of the items.
- With the exception of umbrellas, you must position brand or corporately identified signs or items so they can be seen only by patrons within your establishment.

Advertising of Manufacturer/Agent Events

You may not advertise the name of a liquor manufacturer or agent, a consumer tasting or other promotional activity conducted by a manufacturer or agent – except if you are promoting an event held in conjunction with a manufacturer, and the owner or senior representative from the manufacturer is present, and you serve a meal to all those attending (e.g., a winemaker's dinner).

Inspections

Why We Inspect Licensed Establishments

Branch liquor inspectors conduct regular, unannounced inspections of licensed establishments to make sure licensees are following the Act and Regulations and their licence terms and conditions, and to make sure there are timely consequences when they don't.

In addition, a liquor inspector may conduct an inspection:

- in response to a complaint from a member of the public, another licensee, a local government/First Nation, police or any other agency, or
- to follow-up on a Licensed Premises Check (LPC) issued by a police officer.

Entry of Liquor Inspectors and Police Officer

You must give liquor inspectors and police officers immediate access to all areas of your establishment on request. It is a serious contravention to refuse or delay providing access to an inspector or police officer.

Producing Documents and Records

You must allow the general manager (or a designated person such as a liquor inspector) to inspect documents and records associated with your establishment, including:

- liquor sales, purchase and disposal records
- food sales records
- sales records, invoices and purchase receipts
- agreements and contracts with liquor manufacturers and agents or representatives
- lease and management contracts related to your licensed establishment
- employee records
- records of the quantity and price of liquor servings
- records of any incidents or events that occurred on or near the licensed premises, and
- any court orders or judgements against you.

Liquor Seizures and Sampling

Both liquor inspectors and the police have the authority to seize liquor they believe might be illicit from any licensed establishment. They will either destroy the liquor immediately or hold it in storage for 30 days.

Liquor inspectors may also take reasonable samples of liquor found in a licensed establishment or liquor storage area to determine whether the liquor is illegal, unauthorized, adulterated or contaminated. An inspector does not need evidence that the Act or Regulations have been breached to take a sample.

Enforcement

Contravention Notice

If, after an inspection (or after the police have issued a Licensed Premises Check), a liquor inspector believes you are in some way contravening the Act, its Regulations or your licence terms and conditions, the inspector must issue a Contravention Notice setting out the alleged contravention(s), and leave a copy of the notice with you.

The inspector will then review the notice in conjunction with the file the branch keeps on your establishment. Based on that review, the inspector will decide whether or not to recommend that the general manager take enforcement action against you.

If the inspector recommends enforcement action, you will receive a Notice of Enforcement Action. (Please see section on Enforcement for more information.)

If the inspector does not recommend enforcement action, the inspector will either: require you to attend a Compliance Meeting, or simply keep the Contravention Notice as part of your establishment's file.

Compliance Meeting

A compliance meeting is a meeting between you and the inspector – and possibly others, such as members of your staff, police, and fire/building officials – to:

- promote voluntary compliance with the liquor licensing rules and regulations through education, and
- assist you and your staff in anticipating, and creating solutions for, potential problems.

Please note:
The branch operates on the basis that you are responsible for understanding and complying with the requirements of the Act, its Regulations and terms and conditions of your licence. Compliance meetings are not a required step before the branch takes enforcement action. The general manager may decide on enforcement action whether or not you have attended a compliance meeting in the past.

The liquor inspector will document the matters discussed during the meeting on a Compliance Meeting Form. For example, if you agree to implement procedures to deal with a potential compliance problem, the inspector will note the details of the agreement, such as what procedures you intend to put in place and when they will come into effect. Once both you and the inspector have signed the form, you will receive one copy and the inspector will place the other in your establishment's file.

You may also request a compliance meeting.

Notice of Enforcement Action

If an inspector recommends enforcement action against you, the branch will notify you by letter, usually within 45 days of the inspector's decision.

This letter is called the Notice of Enforcement Action and it sets out basic information about the current situation and your establishment's past history, along with the recommended enforcement action. The Notice of Enforcement Action also describes the enforcement hearing process and how you may choose to waive the enforcement hearing (see below).

Any enforcement action taken by the branch will form part of your record. It is important that you clearly understand any action that is taken against you. If any aspects of a letter or a decision are unclear, ask the branch for clarification.

Possible Enforcement Action

Section 20(2) of the Act sets out the enforcement action that the general manager has the authority to take against you for failing to comply with the Act, Regulations and/or the terms and conditions of your licence.

The type of enforcement action and the severity of the enforcement action will depend on a

number of factors, including the nature of the contravention, the circumstances of the contravention, your establishment's compliance history and your compliance history as a licensee.

The general manager may:

- Add a term and condition to your licence, or rescind or amend an existing term and condition.
- Require you to pay a monetary penalty in accordance with the penalty schedule.
- Suspend your licence in accordance with the penalty schedule.
- Cancel all or part of your licence.
- Order you to transfer your licence, within a certain period, to a person who is at arm's length from you.

The general manager has the authority to suspend your licence and/or impose a monetary penalty on you for failing to comply with the Act, Regulations and/or the terms and conditions of your licence. (See Appendix 1 for the complete Penalty Schedule.)

In most situations, when the general manager imposes a suspension or monetary penalty, the general manager will stay within the range set out in the Penalty Schedule. However, the general manager has the authority to impose a higher penalty and will do so when it is in the public interest.

Enforcement Hearing

A recommendation to the general manager to take enforcement action is usually reviewed at an enforcement hearing, which is usually held within 60 days of the Notice of Enforcement Action.

At an enforcement hearing, an adjudicator, who is a delegate of the general manager, will review the branch's evidence along with any you wish to offer, and will hear statements both from the branch advocate (a person representing the branch) and from you.

The adjudicator will then decide:

- whether the contravention occurred
- whether enforcement action will be taken, and
- the type and severity of enforcement action.

The adjudicator may accept the penalty recommended in the Notice of Enforcement Action, may impose a higher penalty, may impose a lesser penalty or may impose no penalty.

Waiving the Enforcement Hearing

You may choose to waive the enforcement hearing and accept the enforcement action proposed in the Notice of Enforcement Action by signing a waiver notice prepared by branch staff.

If you sign the waiver notice, you:

- agree that the contravention occurred
- accept the enforcement action proposed in the Notice of Enforcement Action
- waive the opportunity to appear at an enforcement hearing, and
- agree that the contravention and enforcement action will form part of your record.

In most situations, you must sign the waiver notice within 14 days of the Notice of Enforcement Action.

Serving Liquor While Under Suspension

If the enforcement process results in your licence being suspended, your restaurant may remain open, but you must not serve liquor during the suspension period. Failure to abide by your suspension is a serious contravention that could lead to an extended licence suspension, cancellation or transfer of your liquor licence.

APPENDIX 1
Penalty Schedule
Schedule 4
Enforcement Actions

Interpretation

1 (1) For the purposes of this Schedule,

(a) a contravention is of the same type as another contravention if each contravention is described by the same Item of this Schedule, and

(b) a contravention committed by a licensee is

(i) a first contravention if the contravention was committed at or in respect of an establishment and the licensee has not committed a contravention of the same type at or in respect of that establishment within the 12 month period preceding the commission of the contravention,

(ii) a second contravention if the contravention was committed at or in respect of an establishment and the licensee has committed one contravention of the same type at or in respect of that establishment within the 12 month period preceding the commission of the contravention, and

(iii) a subsequent contravention if the contravention was committed at or in respect of an establishment and the licensee has committed a second contravention of the same type at or in respect of that establishment within the 12 month period preceding the commission of the contravention.

(2) In section 20 (1) (c.1) of the Act and in Item 13 of this Schedule, "**reasonable measures**" means, in respect of a licensee, measures that are

(a) reasonable in the circumstances, and

(b) reasonably within the capacity of the licensee to effect.

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
OPERATING OUTSIDE OF LICENCE PURPOSE					
1	Operation of a licensed establishment in a manner that is contrary to the primary purpose of the licence	10-15	20-30	30-60	$7 500 - $10 000
MINORS					
2	A breach of section 33 of the Act *[Selling liquor to minors]*	4-7	10-14	18-20	$5 000 - $7 000
3	A breach of section 35 of the Act *[Minors on licensed premises]*	1-3	3-6	6-9	$1 000 - $3 000
4	A breach of section 45 (2) of this regulation *[Failure to request identification from person appearing to be under 25]*	1-3	3-6	6-9	$1 000 - $3 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
GAMBLING					
5	A breach of section 36 (2) (a) of the Act by authorizing or permitting gambling in the licensed establishment	4-7	10-14	18-20	$5 000 - $7 000
6	A breach of section 36 (2) (c) of the Act by authorizing or permitting a device used for gambling to be placed, kept or maintained in the licensed establishment	10-15	20-30	30-60	$7 500 - $10 000
DISORDERLY OR RIOTOUS CONDUCT					
7	A breach of section 36 (2) (a) of the Act by authorizing or permitting, in the licensed establishment, drunkenness or violent, quarrelsome, riotous or disorderly conduct	10-15	20-30	30-60	$7 500 - $10 000
8	A breach of section 36 (2) (b) of the Act by authorizing or permitting, in the licensed establishment, any unlawful activities or conduct	10-15	20-30	30-60	$7 500 - $10 000
INTOXICATED PATRONS					
9	A breach of section 43 (1) of the Act by selling or giving liquor to an intoxicated person or a person apparently under the influence of liquor	4-7	10-14	18-20	$5 000 - $7 000
10	A breach of section 43 (2) (a) of the Act by permitting a person to become intoxicated	4-7	10-14	18-20	$5 000 - $7 000
11	A breach of section 43 (2) (b) of the Act by permitting an intoxicated person to remain in that part of the licensed establishment where liquor is sold or served	4-7	10-14	18-20	$5 000 - $7 000
WEAPONS					
12	A breach of section 47 of the Act *[Licensee's duty – dangerous weapons]*	4-7	10-14	18-20	$5 000 - $7 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
LICENSEE RESPONSIBLE FOR DISTURBANCE OF PERSONS IN THE VICINITY					
13	A failure to take reasonable measures to ensure that the operation of the licensed establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment	10-15	20-30	30-60	$7 500 - $10 000
OVERCROWDING					
14	Permitting more persons in the licensed establishment than the patron or person capacity set by the general manager and the number of persons in the licensed establishment is less than or equal to the occupant load	1-3	3-6	6-9	$1 000 - $3 000
15	Permitting more persons in the licensed establishment than the patron or person capacity set by the general manager and the number of persons in the licensed establishment is more than the occupant load	4-7	10-14	18-20	$5 000 - $7 000
ILLICIT LIQUOR					
16	A breach of section 38 of the Act *[Unlawful sale of liquor]*	10-15	20-30	30-60	$7 500 - $10 000
17	A breach of section 38.1 of the Act *[Unlawful to dilute or adulterate liquor]*	4-7	10-14	18-20	$5 000 - $7 000
18	A breach of section 39 of the Act *[Unlawful purchase of liquor]*	10-15	20-30	30-60	$7 500 - $10 000
19	A breach of section 35 (3) of this regulation by failing to keep and maintain a register of all liquor purchased and received	1-3	3-6	6-9	$1 000 - $3 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
20	A breach of section 35 (1) of this regulation by purchasing liquor other than from a liquor store designated in writing by the general manager or designated by the Liquor Distribution Branch, or without identifying the licensee as a licensee	1-3	3-6	6-9	$1 000 - $3 000
21	A breach of section 36 of this regulation by selling or providing under one licence liquor that is purchased under another licence without authorization of the general manager	10-15	20-30	30-60	$7 500 - $10 000
	LIQUOR SERVICE				
22	A breach of section 43 of this regulation by the licensee failing to complete the required training program	4-7	10-14	18-20	$5 000 - $7 000
23	A breach of section 43 of this regulation by a manager or server failing to complete the required training program	1-3	3-6	6-9	$1 000 - $3 000
24	A breach of section 44 (1) (a) of this regulation by a licensee with a liquor primary licence or liquor primary club licence failing to clear the licensed establishment of patrons within 1/2 hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager	1-3	3-6	6-9	$1 000 - $3 000
25	A breach of section 44 (1) (b) of this regulation by a licensee with a food primary licence failing to ensure that liquor is taken from patrons within 1/2 hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager	4-7	10-14	18-20	$5 000 - $7 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
26	A breach of section 44 (3) of this regulation by allowing a person to consume liquor in the licensed establishment beyond 1/2 hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager	4-7	10-14	18-20	$5 000 - $7 000
27	A breach of section 42 (3) of this regulation as a result of an employee or the licensee consuming liquor while working on the licensed premises	1-3	3-6	6-9	$1 000 - $3 000
28	A breach of section 42 (2) of this regulation by permitting liquor not purchased from the licensee to be consumed in the licensed establishment	4-7	10-14	18-20	$5 000 - $7 000
29	A breach of section 42 (4) of this regulation by permitting liquor sold in the licensed establishment to be taken from the establishment	1-3	3-6	6-9	$1 000 - $3000
30	A breach of section 41 (2) of this regulation by providing unlimited or unspecified quantities of liquor for a single price, using a sales strategy that is likely to promote or encourage intoxication, or altering the price of liquor during a day after it has been set for that day	4-7	10-14	18-20	$5 000 - $7 000
PRODUCTION OF RECORDS					
31	A breach of section 73 (1) (a), 73 (2) (a) or 73 (2) (b) of the Act *[Failure to produce a document or record or thing]*	10-15	20-30	30-60	$7 500 - $10 000
ADVERTISING					
32	A breach of section 49 of the Act *[Display of signs]*	1-3	3-6	6-9	$1 000 - $3 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
33	A breach of section 51.1 of the Act *[Advertising liquor]* or section 58 of this regulation	1-3	3-6	6-9	$1 000 - $3 000
	ENTERTAINMENT				
34	Permitting in the licensed establishment entertainment by one or more exotic dancers or strippers that is prohibited or restricted under section 50 of the Act	4-7	10-14	18-20	$5 000 - $7 000
35	Permitting in the licensed establishment any other entertainment that is prohibited or restricted under section 50 of the Act	1-3	3-6	6-9	$1 000 - $3 000
	LICENSING CONTRAVENTIONS				
36	A breach of section 15 (2) of the Act *[Failure to disclose a material fact or false or misleading statement in application]*	10-15	20-30	30-60	$7 500 - $10 000
37	A breach of section 18 of the Act *[Tied houses]* by failing to disclose to the general manager the information that must be disclosed under that section	10-15	20-30	30-60	$7 500 - $10 000
38	A breach of section 19 (3) of the Act by transferring shares of the licensee's capital stock without first receiving the general manager's approval for that transfer	1-3	3-6	6-9	$1 000 - $3 000
39	A breach of section 7 of this regulation by making structural alteration of or change to the size of any area of the licensed establishment without first receiving the written permission of the general manager	1-3	3-6	6-9	$1 000 - $3 000
	INDUCEMENTS				
40	A breach by the licensee or an employee of the licensee of section 45 of the Act *[Licensee not to give or accept gifts for promoting liquor]*	10-15	20-30	30-60	$7 500 - $10 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
U-BREW/U-VIN					
41	A breach of section 23 of this regulation by failing to ensure that the customer performs the listed tasks	4-7	10-14	18-20	$5 000 - $7 000
42	A breach of section 22 *[Payment, acknowledgment and invoice required]*, 24 *[Licensee or employee production]*, 25 *[Storage requirements]*, 26 *[No consumption other than tasting]*, 27 *[Customer required to bottle own product]*, 28 *[Removal of finished product required]*, 30 *[Minors]*, 31 *[Record keeping and reporting requirements]*, 32 *[Advertisements]* or 33 *[Hours of operation]* of this regulation	1-3	3-6	6-9	$1 000 - $3 000
43	A breach of section 29 of this regulation by failing to ensure that beer, wine or cider is not kept, offered or produced for sale at a U-Brew or U-Vin	10-15	20-30	30-60	$7 500 - $10 000
DEFAULT IN MONETARY PENALTIES					
44	A breach of section 20 (2.6) of the Act *[Failure to pay monetary penalty within 30 days or period specified by the general manager]*	10-15	20-30	30-60	
OTHER					
45	A breach of section 20 of the Act by permitting the sale, service or consumption of liquor while the licensee's licence is under suspension, *or*	If the licence is not cancelled or transferred in accordance with section 69 of this regulation, at least 15 days			

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
	A breach of section 67 (3) of the Act, by (a) obstruction or attempting to obstruct an entry or search by a peace officer under section 67 of the Act, or (b) refusing or failing to admit immediately a peace officer demanding entry anywhere under section 67 of the Act, or A breach of section 73 (1) (b) (ii) or (iii) of the Act by neglecting or refusing to allow storage premises or an establishment licensed under the Act to be inspected, or A breach of section 73 (2) (c) of the Act by neglecting or refusing to allow premises to be inspected				
	GENERAL				
46	Any breach of any provision of the Act, the regulations or the terms and conditions of the licence not specifically referred to in Items 1 to 45	1-3	3-6	6-9	$1000 - $3000

APPENDIX 2
Taking Reasonable Measures to Prevent Disturbances

Types of disturbances	What you can do to reduce these disturbances
Noise caused by people talking on the street in the line-up	• Limit the length of your line-up • Put up signs by the line-up and monitor the line-up to remind people of noise issues • Make structural changes to accommodate indoor line-up areas
Noise caused by people leaving your establishment throughout the day	• Put up signs by your exit doors • Conduct staff training sessions to review "Serving it Right" principles
Noise caused by people leaving your establishment at closing time	• Put up signs by your exit doors • In the hour before you close, issue an announcement reminding people to be aware of your "good neighbour" policy • Post staff by exits to remind customers to be considerate of nearby residents, and keep noise to a minimum
Noise from music and other forms of entertainment that is **ongoing** and can be heard by nearby residents from within their homes	• Close windows and upgrade ventilation system • Upgrade to double-sealed windows • Reduce music volumes and monitor noise levels • Eliminate bass frequencies that penetrate concrete and other structural materials • Meet with neighbours to discuss options – strive to cooperate
Noise of music that is **intermittent** and can be heard by nearby residents within their homes, when customers open the door to go in or out of your establishment	• Install a second door • Reduce music volumes • Meet with neighbours to discuss options – strive from to cooperate
Indecent or illegal behaviour (e.g., urinating in public, sex in public, drinking in parked cars in adjacent parking lot) in and around the entrance to your establishment and in controlled parking areas	• Put up extra lights on the side of your building, directed to problem areas • Install video cameras directed at parking lot vehicles • Assign security staff to patrol parking lots • Cooperate with local police to set up more parking lot patrols • Refuse entry to customers who go frequently to and from cars

APPENDIX 3
Making Changes to Your Licence

Changes that Require Approval from the General Manager

Permanent change

You must apply for a permanent change if you want to:

- change the name of your business
- change your hours of sale
- change anyone or any company – owners, partners, shareholders, corporations or holding companies
- transfer shares either externally to new shareholders, or internally between current shareholders, if you are a private corporation
- offer patron non-participation entertainment (such as musicians or comedians)
- offer patron-participation entertainment (such as karaoke or dancing)
- add a receiver or executor

Structural change

You must apply for a structural change if you want to:

- change the structure to alter occupant load
- change your floor plans
- change (or add to) the structure of your building
- increase your capacity to the occupant load of the building as determined by fire/building officials
- add an outdoor patio
- change (or add) a designated smoking room
- add a restaurant lounge.

Transfer of location

You must apply for a transfer of location if you want to:

- re-locate your business

Third-party or resident manager change

You must apply for a third-party operator or resident manager change if you want to:

- change (or add) a third-party lessee or management firm operating within your licensed establishment
- change your resident manager, if you are a non-resident private corporation.

Temporary change

You must apply for a temporary change if you want to:

- make a change or changes for a relatively short period – usually for a special event, or to allow time for renovations or structural alterations. These changes may include temporarily extending your normal hours of sale, your usual capacity, and/or the area that is covered by your liquor licence, or temporarily moving your business to another location entirely.

Application Forms, Documentation and Other Required Approvals

The application form, documentation and approvals you will need depend on the type of change you are asking for. For example:

- To serve liquor after midnight or offer patron-participation entertainment, you will need an Application for a Permanent Change to a Liquor Licence, and a resolution from your local government or First Nation.
- To alter the structure or layout of your building, you will need an Application for a Structural Change (Food-Primary), and to supply large scale floor plans.
- To change or add a third-party lessee or management firm, you will need an Application for a Third-Party Operator or Resident Manager, and to supply a range of company documents and a completed criminal record search form for each new person.
- To transfer shares, you will need an application for a Permanent Change to a Liquor Licence, and any shareholder who holds a ten per cent or larger interest in the business will need to agree to a criminal record check.

The individual application forms explain the documentation and/or approvals required for each type of change. The Fee Schedule for Licence Changes lists the fee charged for each type of change.

Application Forms:
Forms are available on-line:
www.gov.gov.bc.ca/lclb
or, are available from the Liquor Control and Licensing Branch:
Phone, toll free: 1 866 209 2111
E-mail: lclb.lclb@gems4.gov.bc.ca

Criminal record checks

Some changes will require that you consent to a criminal record check. To do so, you must complete both the Personal History Summary and Consent to Criminal Record Search form and the RCMP's Consent for Disclosure of Criminal Record Information.

Applicants who have applied for a liquor licence and consented to a criminal record search within the previous 12 months are exempt, unless requested to consent to another search by the general manager.
Applicants living outside of British Columbia, refugees and landed immigrants who have been in Canada for less than five years must also provide a statutory declaration – signed by a lawyer, Notary Public, or Commissioner for Taking Affidavits – stating either that they have not been convicted of a crime, or providing details of any past convictions or sentences. In addition, landed immigrants who have been in Canada less than five years must attach a copy of their Employment and Immigration Canada immigrant identification form (IMM1000).

Once we have the required documents, we will send them on to the Criminal Records Review Agency. The agency will check the person's name and birth date and other information against criminal records across Canada, and report back to us with the final results:

- If the search reveals no criminal record, we will continue to process your change request.
- If the search reveals a possible relevant criminal record, we will ask the applicant to go to the local police or RCMP station to provide fingerprints. (The police may charge a fee for this service.) Specially trained analysts will compare these fingerprints to the prints associated with the criminal record.

Even if it turns out that an applicant does have a criminal record, however, it does not mean we will automatically turn down the application. We will look carefully at the circumstances of the individual case – the severity of the crime and when it was committed, for example, and what the applicant has done to change his or her behaviour since then – and how the type of crime committed relates to the responsibilities that go with holding a liquor licence.

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Ministry of Public Safety and Solicitor General
Liquor Control and Licensing Branch

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